

U .S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PAUL N. HALE, SR. and DEPARTMENT OF THE NAVY,
NAVAL AIR STATION, Jacksonville, FL

*Docket No. 01-609; Submitted on the Record;
Issued September 25, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
PRISCILLA ANNE SCHWAB

The issue is whether appellant is entitled to a schedule award for his hearing loss.

The Office of Workers' Compensation Programs accepted appellant's claim for a noise-induced hearing loss.

In a report dated October 4, 2000, Dr. J. Douglas Green, a Board-certified otolaryngologist, evaluated appellant and stated that appellant had a severe high frequency hearing loss in the left ear and a moderate high frequency loss in the right ear. On an October 4, 2000 audiogram the frequency levels recorded at 500, 1,000, 2,000 and 3,000 cycles per second were 10, 10, 20 and 55 decibels, respectively, for the right ear and 10, 10, 20 and 55 decibels, respectively, for the left ear. Using the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (4th ed. 1993), and the results of the October 4, 2000 audiogram, the Office medical adviser calculated that appellant had a zero percent binaural loss.

By decision dated December 5, 2000, the Office denied the claim, stating that appellant's hearing loss was not severe enough to be considered ratable but appellant was entitled to medical benefits for his hearing loss.

The Board finds that appellant is not entitled to a schedule award for his hearing loss.

The schedule award provision of the Federal Employees' Compensation Act¹ provides for compensation to employees sustaining permanent impairment from loss or loss of use of specified members of the body. The Act's compensation schedule specifies the number of weeks of compensation to be paid for the permanent loss of use of specified members, functions and organs of the body. The Act does not, however, specify the manner by which the percentage loss of a member, function, or organ shall be determined. The Office has by regulation adopted the

¹ 5 U.S.C. § 8107 *et seq.*

A.M.A., *Guides* (4th ed. 1993) as the standard for calculating schedule awards for permanent hearing loss.²

The Office evaluates hearing loss in accordance with the standards contained in the A.M.A., *Guides* using the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second. The losses at each frequency are added up and averaged and the “fence” of 25 decibels is deducted since, as the A.M.A., *Guides* points out, losses below 25 decibels result in no impairment in the ability to hear everyday speech under everyday conditions. The remaining amount is multiplied by 1.5 to arrive at the percentage of monaural loss. The binaural loss is determined by calculating the loss in each ear using the formula for monaural loss. The lesser loss is multiplied by five, then added to the greater loss and the total is divided by six, to arrive at the amount of the binaural loss.³

In his October 27, 2000 report, the Office medical adviser determined that on the October 4, 2000 audiogram the frequency levels recorded at 500, 1,000, 2,000 and 3,000 cycles per second for the right ear totaled 95 decibels. He totaled the frequencies for the left ear at 95 decibels as well. The Office medical adviser divided the 95 totals for both ears by 4, respectively, to obtain the average hearing loss at those frequencies of 23.75 for each ear. He then reduced 23.75 decibels by the 25 decibel “fence” to equal 0, when he then multiplied by the established factor of 1.5 to compute a 0 percent monaural loss for each ear. The Office medical adviser multiplied the zero percent loss in the left ear by five, added it to the zero percent loss in the right ear and divided the sum by six to calculate appellant’s binaural hearing loss at zero percent. The Board finds that the Office medical adviser applied the proper standards to the October 4, 2000 audiogram results and properly determined that appellant has a 0 percent binaural loss. Appellant has not submitted any evidence to the contrary.

² 20 C.F.R. § 10.404.

³ See A.M.A., *Guides* at 224 (4th ed. 1993).

The December 5, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
September 25, 2001

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Priscilla Anne Schwab
Alternate Member